

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

AMERICAN SPIRIT AND CHEER ESSENTIALS,
INC., ROCKSTAR CHAMPIONSHIPS, LLC, JEFF
& CRAIG CHEER, LLC, d/b/a JEFF AND CRAIG
CAMPS, and ASHLEY HAYGOOD, Individually
and on Behalf of All Others Similarly Situated

Plaintiffs,

v.

VARSITY BRANDS, LLC, BSN SPORTS, LLC,
VARSITY SPIRIT, LLC, STANBURY, LLC,
HERFF JONES, LLC, BAIN CAPITAL, LP,
CHARLESBANK CAPITAL PARTNERS, LLC,
VARSITY BRANDS HOLDING CO., INC.,
VARSITY SPIRIT FASHION & SUPPLIES, LLC,
U.S. ALL STAR FEDERATION, INC., USA
FEDERATION FOR SPORT CHEERING, d/b/a
USA CHEER, VARSITY INTROPIA TOURS, LLC
and JEFF WEBB,

Defendants.

Case No. 2:20-cv-02782-SHL-atc

JOINT RULE 26(f) REPORT

The parties participated in a Rule 26(f) conference on November 23, 2020 via videoconference and have exchanged subsequent emails. Prior to the conference, Plaintiffs had provided Defendants with a proposed schedule and Defendants had provided Plaintiffs with a proposed protective order, proposed ESI protocol, and proposed expert witness stipulation.

The parties have agreed as to the first three items below, but have not reached agreement on the remaining items, which the parties will be prepared to address at the Rule 16 conference on December 16.

1. Initial Disclosures. The parties have agreed to complete the initial disclosures required by Rule 26(a)(1) by December 31, 2020.

2. Protective Order. The parties have agreed to a protective order in the form attached as **Exhibit A** and ask the Court to enter the proposal as an order of the Court.

3. ESI Protocol. The parties have agreed to an ESI protocol in the form attached as **Exhibit B** and ask the Court to enter the proposal as an order of the Court.

4. Schedule. The parties have not agreed on a schedule. Defendants' proposed schedule is attached as **Exhibit C**. Plaintiffs' proposed schedule is attached as **Exhibit D**.

5. Discovery Plan. Defendants proposed to Plaintiffs, and hereby propose to the Court, that discovery in this case be consolidated with discovery in *Fusion Elite All Stars, et al. v. Varsity Brands, LLC, et al.*, Case No. 2:20-cv-02600-SHL-cgc ("*Fusion Elite*"), and be subjected to the same scope and limits in force in that case on a consolidated basis. Plaintiffs have not agreed to this proposal.

6. Expert Stipulation. The parties have exchanged proposals but have not been able to reach an agreement. Unless an agreement is reached in the future, the Federal Rules of Civil Procedure shall govern the conduct of expert discovery.

Dated: December 9, 2020

Respectfully submitted,

By: s/ Matthew S. Mulqueen

George S. Cary*

Mark W. Nelson*

Alexis Collins*

Steven J. Kaiser*

CLEARY GOTTlieb STEEN & HAMILTON LLP
2112 Pennsylvania Avenue, NW

Washington, DC 20037
Phone: (202) 974-1500
Fax: (202) 974-1999
gcary@cgsh.com
mnelson@cgsh.com
alcollins@cgsh.com
skaiser@cgsh.com

* Admitted *pro hac vice*

Matthew S. Mulqueen (TN #28418)
Adam S. Baldridge (TN #23488)
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
mmulqueen@bakerdonelson.com
abaldridge@bakerdonelson.com

*Attorneys for Varsity Brands, LLC; BSN Sports,
LLC; Varsity Spirit, LLC; Stanbury Uniforms, LLC;
Herff Jones, LLC; Bain Capital, LP; Charlesbank
Capital Partners, LLC; Varsity Brands Holding Co.,
Inc.; Varsity Spirit Fashions & Supplies, LLC;
Varsity Intropa Tours*

By: s/ Nicole D. Berkowitz

Grady Garrison (TN #008097)
Nicole D. Berkowitz (TN #35046)
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
ggarrison@bakerdonelson.com
nberkowitz@bakerdonelson.com

*Attorneys for U.S. All Star Federation, Inc. and
USA Federation for Sport Cheering, d/b/a USA
Cheer*

By: s/ Paul Coggins

Paul Coggins*
Brendan Gaffney*
LOCKE LORD LLP
2200 Ross Avenue, Suite 2800
Dallas, TX 75201
Phone: (214) 740-8000
Fax: (214) 740-8800
pcoggins@lockelord.com
bgaffney@lockelord.com

* Admitted *pro hac vice*

Edward L. Stanton III (TN Bar #018904)
BUTLER SNOW LLP
6075 Poplar Avenue, Suite 500
Memphis, Tennessee 38119
Telephone: (901) 680-7336
Facsimile: (901) 680-7201
Edward.Stanton@butlersnow.com

Attorneys for Jeff Webb

By: s/ Robert A. Falanga

Robert A. Falanga*
Kobelah Svensen Bennah*
FALANGA & CHALKER
11200 Atlantis Place, Suite C
Alpharetta, Georgia 30022
Telephone: (770) 955-0006
robert@falangalaw.com
kobelah@falangalaw.com

* Admitted *pro hac vice*

Attorneys for Plaintiffs